

HEATHER E. WILLIAMS, SBN 122664
Federal Defender
HOOTAN BAIGMOHAMMADI, SBN 279105
Assistant Federal Defender
Designated Counsel for Service
801 I Street, Third Floor
Sacramento, CA 95814
T: (916) 498-5700
F: (916) 498-5710

Attorneys for Defendant
Mr. Garcia

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:23CR228-DJC
Plaintiff,)
vs.) STIPULATION AND ORDER TO CONTINUE
) JUDGMENT AND SENTENCING
EDGAR ENRIQUE GARCIA-LOPEZ,) Date: October 10, 2024
) Time: 9:00 a.m.
) Judge: Daniel J. Calabretta
<u>Defendant.</u>)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Alstyn Bennett, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Hootan Baigmohammadi, counsel for Defendant Edgar Enrique Garcia-Lopez, that the previously scheduled Judgment and Sentencing set for October 10, 2024 be continued to November 21, 2024 at 9:00 a.m.

The parties specifically stipulate as follows:

1. The Court indicated in the last minute order that absent good cause, with compelling circumstances shown, it expected the parties to be prepared to proceed with judgment and sentencing. ECF no. 54.
2. The parties have not been provided with a draft nor final PSR. Probation reports that a draft PSR is expected to be completed by the end of the week.

3. Mr. Garcia intends to promptly file a motion to compel discovery relevant to sentencing. On August 25, 2024, he sent the government three discovery requests seeking *Brady* material relevant to a potential downward departure for sentencing manipulation. On September 18, 2024, he sent a follow-up email to the government seeking a response to his August 25 discovery requests. The government responded on September 25, 2024 that it did not have responsive material to his first request and that his second and third requests were overbroad and precluded by Rule 16. Mr. Garcia expects to file a motion to compel discovery next week pertaining to the second and third requests that were declined by the government. The outcome of the motion to compel and whether Mr. Garcia can ultimately establish sentencing manipulation can have a significant impact on his Guidelines range. Mr. Garcia is facing a 10-year mandatory minimum sentence, and the anticipated range is likely far greater than ten years.
4. Mr. Garcia intends to subpoena the case agent and request an evidentiary hearing as it pertains to the issue of sentencing manipulation.
5. For all the above reasons, Mr. Garcia believes that good cause and compelling circumstances exist to continue the Judgment and Sentencing.
6. The government does not object to Mr. Garcia's continuance request.
7. For the forgoing reasons, the parties jointly request that the Judgment and Sentencing Schedule be modified as follows:

Draft PSR	October 10, 2024
Informal Objections	October 24, 2024
Final PSR	October 31, 2024
Formal Objections	November 7, 2024
Response to Formal Objections/Sentencing Memorandum	November 14, 2024
Judgment and Sentencing	November 21, 2024

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Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

Date: October 4, 2024

/s/ Hootan Baigmohammadi
HOOTAN BAIGMOHAMMADI
Assistant Federal Defender
Attorneys for Defendant
Mr. Garcia

Date: October 4, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ Alstyn Bennett
ALSTYN BENNETT
Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. The parties shall appear at a Status Conference re Sentencing on 10/10/2024 at 9:00 AM in Courtroom 10 before District Judge Daniel J. Calabretta.

IT IS SO ORDERED.

Dated: October 7, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE